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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,750	08/03/2001	Jeffrey H. Diamond	0136.0003C	5953

7590

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,750

Applicant(s)

DIAMOND, JEFFREY H.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,23-27,33,34 and 40-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-22,28-32,35-39 and 51-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Applicant's election without traverse of the specie in figures 12-13 to claims 1, 3, 5-22, 28-32, 35-39, 51-58 is hereby acknowledged. Applicant's suggestion of examination of claims 2, 4, 33-34 is hereby acknowledged and denied, as the different species would require additional search. Claims 2, 4, 23-27, 33-34, 40-50 are hereby withdrawn from consideration.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-7, 18-21, 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman (1428955) in view of Bernard (4809478).

Grossman shows a stabilized window structure having a window frame (F, appendix A), a shattered window pane (P, appendix A) disposed in the window frame and having an exterior surface and an interior surface exposed by the window frame, a layer of unifying material/felt (6, 11) attached to at least one of the exterior or the interior surface, the felt (6,11) and the window pane forming an integral, cohesive mass removable from the window frame as one or more integral and unitary pieces, the window pane being planar, the window frame being disposed in a vehicle, a grasping member (2) secured to the cohesive mass, at least a handle (3) secured to the shattered pane.

Grossman does not show the unifying material being polymeric foam and bonded to the windowpane.

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Bernard shows polymeric foam material (42) bonding panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Grossman to show the unifying material being polymeric and bonded to the window pane because having a polymeric material which penetrates and bond to the window would enhance the securement of the cracking glass pane pieces together.

Per claims 18-19, 21, Grossman as modified by Bernard shows the unifying material being provided in fluidic form and cures to form a cohesive mass with the pane in and out of the crack, and the handle bonded to the cohesive mass.

3. Claims 22, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman in view of Bernard.

Grossman as modified by Bernard shows all the claimed limitations except for the layer of unifying material being disposed over substantially the entirety of the at least one of the said exterior surface or the interior surface.

Grossman shows the glass pane (P, appendix A) cracking over substantially the entirety of one of the surfaces (the crack extending from one side to the other).

Bernard shows the unifying material (42) covering the entirety of the cracks (the opening 10) to connect damage panels (the periphery of the opening) together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Grossman's modified structure to show the layer of unifying material being disposed over substantially the entirety of the at least one of the said exterior surface or the interior surface because it would strengthen the glass pane along the crack area.

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4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman in view of Bernard.

Grossman as modified by Bernard shows all the claimed limitations except the windowpane being non-planar.

Grossman discloses the windowpane being used for vehicle windshield.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Grossman's modified structure to show the pane being non-planar because non-planar windshield is well-known in the art.

5. Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman in view of Bernard.

Grossman as modified by Bernard shows all the claimed limitations except for the polymeric material being polymeric foam including polyurethane, polyethylene, or polystyrene, the polymeric material being a polymeric film including polyvinyl, a latex, polyurethane, acrylate or cellophane, the material being cellulosic material.

Bernard discloses foam polymer (col 1 lines 50-55, col 2 line 5) being well-known for bonding panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Grossman's modified structure to show the polymeric material being a polymeric foam including polyurethane, polyethylene, or polystyrene, the polymeric material being a polymeric film including polyvinyl, a latex, polyurethane, acrylate or cellophane, the material being cellulosic material because it has been held to be within the general skill of a

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worker in the art to select a known material on the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

6. Claims 28-32, 36-39, 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman in view of Bernard.

Grossman as modified by Bernard shows all the claimed limitations. The claimed method steps of stabilizing and removing the shattered window pane would have been the obvious method steps of stabilizing and removing Grossman's modified structure.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different glass pane repairing structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A
January 27, 2003

PA

LANNA MAI
SUPERVISORY PATENT EXAMINER
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Lanna Mai